

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA

Cr. A. No. 09-00160-01

VERSUS

JUDGE ROBERT G. JAMES

AMON RASHAD PEOPLES

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pending before the Court is Defendant Amon Rashad Peoples’ (“Peoples”) “Motion to Suppress (Exclude) Improper Evidence Due to An Improper Search and Arrest in Indianapolis, IN” [Doc. No. 99] and Motion to Reduce Charge of Aggravated Identity Theft [Doc. No. 100]. On February 11, 2010, Peoples pled guilty before Magistrate Judge Karen L. Hayes to three counts of the six-count Indictment against him. Specifically, Peoples pled guilty to conspiracy to commit access device fraud in violation of 18 U.S.C. §§ 371 and 1029(a)(3) (Count 1), aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) and (b)(2) and 18 U.S.C. § 2 (Count 4), and attempted bank fraud in violation of 18 U.S.C. §1344(1) and (2) (Count 5). On the same day, Magistrate Judge Hayes issued a Report and Recommendation [Doc. No. 67], recommending that the Court find Defendant was competent to plead guilty and that the Court accept his change of plea. On March 11, 2010, having received no objections, the Court adopted Magistrate Judge Hayes’ Report and Recommendation and accepted Defendant’s guilty plea as to these three counts. [Doc. No. 69].

Additionally, on October 4, 2010, the Court conducted a hearing on motions filed by Peoples. After questioning Peoples, the Court found that he had knowingly and voluntarily determined that

he wished to represent himself and granted his motion for self representation. The Court then held a hearing on Peoples' Motion to Withdraw Guilty Plea. [Doc. No. 88]. After hearing evidence and argument, the Court orally denied Peoples' Motion to Withdraw Guilty Plea and issued written reasons for its decisions shortly thereafter.¹ [Doc. Nos. 94, 97 & 98].

At this stage of the case, Peoples cannot now raise claims that the Court should suppress certain evidence or that his charge should be reduced. If Peoples wished to make a Fourth Amendment challenge or a challenge to the legal sufficiency of the evidence supporting Count 4, he could have done so prior to pleading guilty. However, he chose to waive those challenges at the district court level and to proceed to a guilty plea. As the Court has already denied his Motion to Withdraw Guilty Plea, Peoples has no basis for the motions before the Court. Accordingly,

IT IS HEREBY ORDERED that Peoples' "Motion to Suppress (Exclude) Improper Evidence Due to An Improper Search and Arrest in Indianapolis, IN" [Doc. No. 99] and Motion to Reduce Charge of Aggravated Identity Theft [Doc. No. 100] are DENIED.

However, upon motion of Peoples' former attorney, the Court previously granted an extension of time for Peoples to make objections to the Pre-Sentence Investigation Report if he were allowed to represent himself *pro se*. Although the Court has provided Peoples with a copy of the United States Sentencing Guidelines, there is no current deadline for Peoples to make objections. Therefore,

IT IS FURTHER ORDERED that Peoples file any objections to the Pre-Sentence Investigation Report no later than November 5, 2010. Peoples shall also provide a courtesy copy

¹The Court also conducted a detention hearing based on Peoples' motion, but determined that Peoples failed to rebut the presumption of detention. [Doc. No. 94].

to the United States Probation Office. To permit Peoples time to make his objections and for the United States Probation Office to respond to his objections,

IT IS FURTHER ORDERED that Peoples' sentencing hearing, which is currently set for November 2, 2010, is RE-SET for December 6, 2010, at 1:30 P.M.

MONROE, LOUISIANA, this 13th day of October, 2010.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE